



February 24, 2016

ENGROSSED HOUSE BILL No. 1231

DIGEST OF HB 1231 (Updated February 22, 2016 11:23 am - DI 92)

Citations Affected: IC 14-22; IC 35-43.

Synopsis: Hunting and property management. Requires the director of the department of natural resources to establish a deer hunting season in which certain rifles may be used in the southern half of Indiana. Requires hunters using a rifle to be positioned at least 10 feet above the ground. Authorizes the use of purple marks to post real property against trespassers.

Effective: Upon passage; July 1, 2016.

**Arnold L, Stemler, Eberhart,
Aylesworth, Bacon, Errington,
Lucas, Ellington, Morrison, DeVon,
McNamara, VanNatter**

(SENATE SPONSORS — TOMES, MESSMER, STEELE)

January 11, 2016, read first time and referred to Committee on Natural Resources.
January 25, 2016, reported — Do Pass.
January 28, 2016, read second time, ordered engrossed.
January 29, 2016, engrossed.
February 1, 2016, read third time, passed. Yeas 91, nays 0.

SENATE ACTION

February 8, 2016, read first time and referred to Committee on Natural Resources.
February 23, 2016, amended, reported favorably — Do Pass.

EH 1231—LS 6742/DI 109



February 24, 2016

Second Regular Session of the 119th General Assembly (2016)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2015 Regular Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1231

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 14-22-2-8 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: **Sec. 8. (a) Before July 1, 2016, the director shall**
4 **adopt rules under section 6 of this chapter, including emergency**
5 **rules adopted in the manner provided under IC 4-22-2-37.1, to**
6 **establish a deer hunting season during which hunters may use**
7 **rifles on privately owned land subject to the following:**

8 (1) **The rifle must have a barrel length of at least sixteen (16)**
9 **inches.**

10 (2) **The rifle must fire a cartridge that meets the following**
11 **specifications:**

12 (A) **The cartridge must fire a bullet of two hundred**
13 **forty-three thousandths (.243) of an inch in diameter or**
14 **larger.**

15 (B) **The cartridge must have a minimum case length of one**
16 **and sixteen-hundredths (1.16) inches.**

17 (3) **The rifle must meet any other requirements established by**

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the department. However, the department may not establish any other requirements pertaining to ammunition that may be used during the season established under this section, including requirements concerning a minimum or maximum cartridge length for ammunition.

(4) The rifle must be used by a hunter who is positioned at least ten (10) feet above the ground.

(5) The use of a rifle is permitted only on land located outside Marion County and south of any of the following boundaries:

(A) U.S. Highway 36 from the western border of Indiana to the western border of Marion County.

(B) The southern border of Marion County.

(C) U.S. Highway 40 from the eastern border of Marion County to the eastern border of Indiana.

(b) The use of a full metal jacketed bullet to hunt deer is unlawful.

SECTION 2. IC 35-43-2-2, AS AMENDED BY P.L.21-2014, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) As used in this section, "authorized person" means a person authorized by an agricultural operation to act on behalf of the agricultural operation.

(b) A person who:

(1) not having a contractual interest in the property, knowingly or intentionally enters the real property of another person after having been denied entry by the other person or that person's agent;

(2) not having a contractual interest in the property, knowingly or intentionally refuses to leave the real property of another person after having been asked to leave by the other person or that person's agent;

(3) accompanies another person in a vehicle, with knowledge that the other person knowingly or intentionally is exerting unauthorized control over the vehicle;

(4) knowingly or intentionally interferes with the possession or use of the property of another person without the person's consent;

(5) not having a contractual interest in the property, knowingly or intentionally enters the:

(A) property of an agricultural operation that is used for the production, processing, propagation, packaging, cultivation, harvesting, care, management, or storage of an animal, plant, or other agricultural product, including any pasturage or land used for timber management, without the consent of the owner



1 of the agricultural operation or an authorized person; or
 2 (B) dwelling of another person without the person's consent;
 3 (6) knowingly or intentionally:
 4 (A) travels by train without lawful authority or the railroad
 5 carrier's consent; and
 6 (B) rides on the outside of a train or inside a passenger car,
 7 locomotive, or freight car, including a boxcar, flatbed, or
 8 container without lawful authority or the railroad carrier's
 9 consent;
 10 (7) not having a contractual interest in the property, knowingly or
 11 intentionally enters or refuses to leave the property of another
 12 person after having been prohibited from entering or asked to
 13 leave the property by a law enforcement officer when the property
 14 is vacant or designated by a municipality or county enforcement
 15 authority to be abandoned property or an abandoned structure (as
 16 defined in IC 36-7-36-1);
 17 (8) not having a contractual interest in the property, knowingly or
 18 intentionally enters the real property of an agricultural operation
 19 (as defined in IC 32-30-6-1) without the permission of the owner
 20 of the agricultural operation or an authorized person, and
 21 knowingly or intentionally engages in conduct that causes
 22 property damage to:
 23 (A) the owner of or a person having a contractual interest in
 24 the agricultural operation;
 25 (B) the operator of the agricultural operation; or
 26 (C) a person having personal property located on the property
 27 of the agricultural operation; or
 28 (9) knowingly or intentionally enters the property of another
 29 person after being denied entry by a court order that has been
 30 issued to the person or issued to the general public by
 31 conspicuous posting on or around the premises in areas where a
 32 person can observe the order when the property has been
 33 designated by a municipality or county enforcement authority to
 34 be a vacant property, an abandoned property, or an abandoned
 35 structure (as defined in IC 36-7-36-1);
 36 commits criminal trespass, a Class A misdemeanor. However, the
 37 offense is a Level 6 felony if it is committed on a scientific research
 38 facility, on a key facility, on a facility belonging to a public utility (as
 39 defined in IC 32-24-1-5.9(a)), on school property, or on a school bus or
 40 the person has a prior unrelated conviction for an offense under this
 41 section concerning the same property. The offense is a Level 6 felony,
 42 for purposes of subdivision (8), if the property damage is more than



seven hundred fifty dollars (\$750) and less than fifty thousand dollars (\$50,000). The offense is a Level 5 felony, for purposes of subdivision (8), if the property damage is at least fifty thousand dollars (\$50,000).

(c) A person has been denied entry under subsection (b)(1) when the person has been denied entry by means of:

- (1) personal communication, oral or written;
- (2) posting or exhibiting a notice at the main entrance in a manner that is either prescribed by law or likely to come to the attention of the public; ~~or~~
- (3) a hearing authority or court order under IC 32-30-6, IC 32-30-7, IC 32-30-8, IC 36-7-9, or IC 36-7-36; **or**
- (4) posting the property by placing identifying purple marks on trees or posts around the area where entry is denied. Each purple mark must be readily visible to any person approaching the property and must be placed:**

(A) on a tree as a vertical line of at least eight (8) inches in length and with the bottom of the mark at least three (3) feet and not more than five (5) feet from the ground, and not more than one hundred (100) feet from the nearest marked tree; or

(B) on a post with the mark covering at least the top two (2) inches of the post, and with the bottom of the mark at least three (3) feet and not more than five (5) feet six (6) inches from the ground. Marked posts must be placed not more than thirty-six (36) feet apart.

Before applying a mark visible from both sides of a fence shared by different property owners or lessees, all owners or lessees must agree to post the properties under this subdivision.

(d) A law enforcement officer may not deny entry to property or ask a person to leave a property under subsection (b)(7) unless there is reasonable suspicion that criminal activity has occurred or is occurring.

(e) A person described in subsection (b)(7) violates subsection (b)(7) unless the person has the written permission of the owner, owner's agent, enforcement authority, or court to come onto the property for purposes of performing maintenance, repair, or demolition.

(f) A person described in subsection (b)(9) violates subsection (b)(9) unless the court that issued the order denying the person entry grants permission for the person to come onto the property.

(g) Subsections (b), (c), and (f) do not apply to the following:

- (1) A passenger on a train.
- (2) An employee of a railroad carrier while engaged in the



performance of official duties.

(3) A law enforcement officer, firefighter, or emergency response personnel while engaged in the performance of official duties.

(4) A person going on railroad property in an emergency to rescue a person or animal from harm's way or to remove an object that the person reasonably believes poses an imminent threat to life or limb.

(5) A person on the station grounds or in the depot of a railroad carrier:

(A) as a passenger; or

(B) for the purpose of transacting lawful business.

(6) A:

(A) person; or

(B) person's:

(i) family member;

(ii) invitee;

(iii) employee;

(iv) agent; or

(v) independent contractor;

going on a railroad's right-of-way for the purpose of crossing at a private crossing site approved by the railroad carrier to obtain access to land that the person owns, leases, or operates.

(7) A person having written permission from the railroad carrier to go on specified railroad property.

(8) A representative of the Indiana department of transportation while engaged in the performance of official duties.

(9) A representative of the federal Railroad Administration while engaged in the performance of official duties.

(10) A representative of the National Transportation Safety Board while engaged in the performance of official duties.

SECTION 3. An emergency is declared for this act.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Natural Resources, to which was referred House Bill 1231, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1231 as introduced.)

EBERHART

Committee Vote: Yeas 11, Nays 0

COMMITTEE REPORT

Madam President: The Senate Committee on Natural Resources, to which was referred House Bill No. 1231, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, between lines 5 and 6, begin a new line block indented and insert:

"(4) The rifle must be used by a hunter who is positioned at least ten (10) feet above the ground.

(5) The use of a rifle is permitted only on land located outside Marion County and south of any of the following boundaries:

(A) U.S. Highway 36 from the western border of Indiana to the western border of Marion County.

(B) The southern border of Marion County.

(C) U.S. Highway 40 from the eastern border of Marion County to the eastern border of Indiana."

Page 4, line 6, delete "placed as follows:" and insert "**placed:**".

and when so amended that said bill do pass.

(Reference is to HB 1231 as printed January 26, 2016.)

GLICK, Chairperson

Committee Vote: Yeas 5, Nays 3.

